

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 678 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? -
 2. To be referred to the Reporter or not? -
 3. Whether Their Lordships wish to see the fair copy of the judgement? -
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? -
 5. Whether it is to be circulated to the Civil Judge?
-

DIPESH AMRUTLAL SHAH

Versus

DISTRICT REGISTRAR

Appearance:

MR MI PATEL for Petitioners
MR TS SOMPURA, A.G.P. for Respondent No. 1.
MR RS VARIAVA FOR M/S VYAS ASSOCIATES respondent
no. 2.
MR BS PATEL for Respondent No. 3, 4, 5, 6, 7

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 18/08/98

ORAL JUDGEMENT

Respondents no. 3 to 7 moved an application No. 3458 of 1998 for modification/clarification of the of the interim relief and for direction to the respondent Bank to confer all the benefits under the Rules to the

respondents no. 3 to 7. Learned counsel for the petitioner has pressed for the prayer as per para 24 (A) but he has not pressed for prayers as per para 24 (B) and 24 (C).

2. Learned counsel for the respondents submitted that this petition is not maintainable. The District Registrar, Cooperative Societies, respondent no. 1 has filed the affidavit-in-reply wherein it is stated that the letter (Annexure-B) is a communication in nature and is not an order. Hence, the said letter or communication cannot be implemented. Secondly, the petitioner has an alternative remedy u/s 96 of the Gujarat Co-operative Societies Act, 1961. It is also stated in para 9 of the said affidavit that after receiving criptic reply from the respondent no. 2 dated 4/6-12-1993 he was informed that stay has been granted by the Court in Arbitration Case No. 1550 of 1993 and the matter has become subjudicious for the prayers as prayed for before the Board of Nominees.

In case, the petitioners are not parties to the said Arbitration Suit No. 1550 of 1993 they could have applied for joining as parties to the said Arbitration Suit. U/s 96 of the Gujarat Cooperative Societies Act, 1961 the matter has been referred to the Board of Nominees and the matter is still pending before it.

Learned counsel for the petiioner could not point out any provision of law to show that the petition is maintainable.

I have gone through the relevant papers and after hearing learned counsel for the parties I come to a conclusion that this petition is not maintainable as it is at premature stage and the matter is still pending before the Board of Nominees if any order is passed u/s 96 of the Gujarat Cooperatie Societies Act, 1961 i.e. appeal u/s 102 of the said Act is provided.

Accordingly, this petition is dismissed as not maintainable. Interim relief granted by this Court stands vacated. Rule is discharged, with no order as to costs.